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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: Donald E. Weder |) Atty. Dkt. No. 8403.910 |
| |) |
| Serial No.: Not Yet Assigned |) Group No.: Not Yet Assigned |
| |) |
| Filed: July 3, 2003 |) Examiner: Not Yet Assigned |
| |) |
| For: DECORATIVE GROWER'S CONTAINERS |) |
| AND METHODS FOR USING SAME |) |

Mail Stop - Patent Application
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

**List of Sections Forming Part of This
Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

1. ☒ Preliminary Statements
2. ☒ FORM PTO-1449
3. ☒ Statements as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted.

- 5. ☒ Copies of Listed Information Items Accompanying this Statement.
- 6. ☒ Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449

☒ A completed Form 1449 is attached hereto.

☐ No Form 1449 (Modified) is attached.

Section 3. Statements as to Information Not Found in Patents or Publications

Ceramic, metal and other like pots having decorative patterns thereon have been utilized for holding a plant which has been grown in a separate container and then transplanted into such pot prior to or after sale. However, such pots are not feasible for use by growers of botanical items. Applicant is not aware of any decorative container which has been utilized by a grower of botanical items for growth of a botanical item therein.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted.

This application relies, under 35 USC § 120, on the earlier filing date of prior application U.S. Serial No. 10/036,888, filed on January 2, 2002.

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 accompany this information disclosure statement.

☒ [X] Exceptions to the above:

☒ [X] Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4.

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- ☐ supplied by the inventor(s)
- ☐ supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- ☒ in the attorney's file

Respectfully submitted,



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Agent for Applicant

PTO/SB/08A (08-00)

DATE DEPOSITED: 07/03/2003

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| Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | Completion if Known | |
| | | | Application Number | Not Yet Assigned |
| | | | Filing Date | July 3, 2003 |
| | | | First Named Inventor | Donald E. Weder |
| | | | Group Art Unit | Not Yet Assigned |
| | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of 4 | Attorney Docket Number | 8403.910 |

| U.S. PATENT DOCUMENTS | | | | | | |
|--------------------------------|-----------------------|----------------------|--------------------------------------|---|---|---|
| Examiner Initials ¹ | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number | Kind Code ² (if known) | | | |
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[illegible]

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| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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| Substitute for form 1449A/PTO | | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | Application Number | Not Yet Assigned |
| | | | Filing Date | July 3, 2003 |
| | | | First Named Inventor | Donald E. Weder |
| | | | Group Art Unit | Not Yet Assigned |
| | | | Examiner Name | Not Yet Assigned |
| Sheet 2 | of 4 | Attorney Docket Number 8403.910 | | |

| U.S. PATENT DOCUMENTS | | | | | | |
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| Examiner Initials [*] | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| Examiner Signature | | Date Considered | |
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| | | Filing Date | July 3, 2003 |
| | | First Named Inventor | Donald E. Weder |
| | | Group Art Unit | Not Yet Assigned |
| | | Examiner Name | Not Yet Assigned |
| Attorney Docket Number | 8403.910 | | |
| Sheet | 4 | of | 4 |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS | | | |
|--|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | BX | Sunset Books, "Plant Containers You Can Make", PP. 40-41 & 42-43, Date 03/1976. | |
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| | AB | PEN pages, care and handling of potted plants, May 6, 1999, www.penpages.psu.edu/penpages-reference/29401/2940140.html | |
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